

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2003-77-C - ORDER NO. 2003-512

AUGUST 20, 2003

IN RE: Application of BellSouth Public Communications, ) ORDER GRANTING  
Inc. for Approval to Divest Itself of its Assets. ) PETITION TO  
 ) INTERVENE OUT OF  
 ) TIME WITH  
 ) LIMITATIONS

This matter comes before the Public Service Commission of South Carolina (the Commission) on a Petition to Intervene Out of Time filed by the Consumer Advocate for the State of South Carolina (the Consumer Advocate). BellSouth Public Communications, Inc. (BSPC or the Company) has filed a document in opposition to the Petition. Because of the reasoning stated below, we grant the Petition, with certain limitations.

The Consumer Advocate states in his Petition that he did not intervene in this matter previously because it consisted simply of a request by BSPC to divest itself of assets, to which the Consumer Advocate did not object. However, since the original notice in the matter, the Consumer Advocate became aware that certain parties intended to raise the issue of public interest payphones in the current proceeding. Given that development, the Consumer Advocate decided that it is necessary to intervene in the matter. The Consumer Advocate further states that since no hearing has been scheduled, and that the matter is set for mediation, allowing the Consumer Advocate to intervene will not prejudice any party.

BSPC filed its opposition to the Consumer Advocate's Petition. BSPC states that this docket is solely to address BSPC's right to divest itself of certain assets, and that the Consumer Advocate states that he has no objection to that goal. The Consumer Advocate therefore has no basis to intervene, according to BSPC. Further, BSPC asserts that although the Women's Shelter has filed a petition asking this Commission to initiate a rulemaking to address certain matters regarding public interest payphones, that request alone, cannot serve as a basis to intervene in this Docket. The subject of the Women's Shelter petition is separate and distinct from the proceeding in which the Consumer Advocate now seeks to intervene, according to BSPC. BSPC notes that since the Commission has not granted the Women's Shelter's request for rulemaking, no proceeding has been initiated to address public payphone matters. BSPC states that, should the request be granted, the Consumer Advocate would then have the opportunity to intervene. Accordingly, BSPC requests that we deny the Consumer Advocate's Petition.

We have considered this matter. Whereas, we understand BSPC's position that this Commission has not granted the Women's Shelter's request for rulemaking on the public payphone issue, we do note that the public payphone rulemaking issue is before this Commission by way of the Women's Shelter's position. We believe that the Consumer Advocate is logically interested in matters that involve the public, even though he does not oppose BSPC's exit from the marketplace. Accordingly, we grant the Consumer Advocate's Petition to Intervene Out of Time for the limited purpose of participation in the issue of public interest payphones. The Consumer Advocate may also

participate in the upcoming mediation in this Docket, but his participation shall be limited to the public interest payphone question.

This Order shall remain in full force and effect until further Order of the Commission.

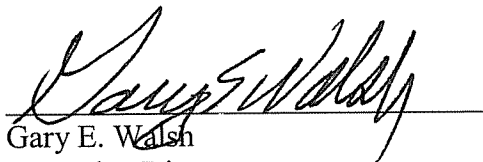
BY ORDER OF THE COMMISSION:



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Mignon L. Clyburn  
Chairman

ATTEST:

  
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Gary E. Walsh  
Executive Director

(SEAL)